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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,490	01/23/2004	Tore Haraldsson	13760	7013

7590
ORUM & ROTH
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CHICAGO, IL 60604

05/24/2007

EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT	PAPER NUMBER
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3722

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,490

Applicant(s)

HARALDSSON, TORE

Examiner

Pradeep C. Battula

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is in response to the reply filed on February 15, 2007

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eliasson (U.S. 4,352,582).

In regards to Claim 1 and 3, Eliasson discloses a locking mechanism for selectively locking a binder in various positions between fully folded and closed to fully unfolded and opened, comprising: an axially movable locking rail 13, a plurality of locking rail hooks 11, said locking rail being detachably interconnectable with said locking rail hooks (Column 3, Lines 39 – 45), a locking button 20, said locking button having a push button element 22, said locking button being connectable with said locking rail (Column 3, Lines 35 – 39) and a spring/strap element 28 (Column 3, Lines 45 – 46; Figure 4). Eliasson further discloses projections from the lateral flange which can be used to guide a portion of the spring (Column 3, Lines 50 – 54) wherein this portion is similar to that of a projection 21 disclosed by Applicant.

Eliasson does not disclose wherein the locking button has the spring/strap element and where a wherein a downward force exerted on said push button element extends said spring/strap element, thereby exerting an axial force on said locking rail,

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urging said locking rail axially toward said push button, allowing locking of the binder in a first position, and removal of a downward force on said push button allows said spring element to exert an axial force on said Locking rail, urging said Locking rail axially away from said push button, allowing Locking of the binder in a second position.

However, Eliasson discloses the same structural elements of the binder as Applicant and the sole difference is in the spring/strap element not being integral with the locking button on the pivoting portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the locking button and spring/strap element on piece along the pivoting portion, because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). The modification would create the applicants invention wherein a downward force exerted on said push button element extends said spring/strap element, thereby exerting an axial force on said locking rail, urging said locking rail axially toward said push button, allowing locking of the binder in a first position, and removal of a downward force on said push button allows said spring element to exert an axial force on said locking rail, urging said locking rail axially away from said push button, allowing locking of the binder in a second position; because the spring/strap now attaches to the projections from the flange just as Applicant's invention along with the push button pivoting.

In regards to Claim 2, as applied to Claim 1, the modification of Eliasson would require the spring/strap and push button to be on mutually opposite ends since the push button lies outside of the binder apparatus and the spring lays inside.

In regards to Claim 4, as applied to Claim 3, the modification of Eliasson further discloses locking button consists of plastic material (Column 3, Lines 4 – 5)

In regards to Claim 5, as applied to Claim 2, the modification of Eliasson further discloses wherein the spring is a bow shaped hook with a curved end 29 (Column 3, Lines 45 – 47, 50 – 51; Figure 4, Items 28, 29).

In regards to Claim 6, as applied to Claim 5, the modification of Eliasson further discloses that adding the spring 28 to the connection of pin member 26 along with pivoting point would create a thicker part than just the spring.

In regards to Claim 7, as applied to Claim 6, the modification of Eliasson further discloses wherein the pivoting articulation (at pin 26 extending from 23) extends perpendicularly outwards from a laterally situated end wall in the locking button (Column 3, Lines 17 – 21; Figure 5, Item 26).

In regards to Claim 8, as applied to Claim 7, the modification of Eliasson further discloses wherein a bow shaped accommodating part 25 (Column 3, Lines 14 – 21; Figure 5, Items 25, 26) extends along the pivoting articulation for the accommodation of a hook shaped (created by notch 16) end part by the locking rail.

In regards to Claim 9, as applied to Claim 2, the modification of Eliasson further discloses wherein the back of the binder exhibits a cavity to accommodate the locking rail and the locking button with its spring therein (Figures 1 and 2), whereby the finger-

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operated push-button of the locking button is capable of being accommodated by its pivoting articulation part in an axially open part of the cavity (Column 3, Lines 31 – 35; Figure 1, Item 22) and the spring makes contact with its end part against a pointed part in the back of the binder thereof (Column 3, Lines 50 – 54).

In regards to Claim 10, as applied to Claim 6, the modification of Eliasson further discloses wherein the locking button exhibits a pointed part (on piece 25, opposite 26) which is so arranged to interact with an angled part of the cavity in the back of the binder to enable a support to be formed for the locking button that is capable of pivotal action (Figure 1, abutment of locking button on intersection of wall 18 and flange 2).

In regards to Claim 11, as applied to Claim 3, the modification of Eliasson further discloses wherein the spring is a bow shaped hook with a curved end 29 (Column 3, Lines 45 – 47, 50 – 51; Figure 4, Items 28, 29).

In regards to Claim 12, as applied to Claim 4, the modification of Eliasson further discloses wherein the spring is a bow shaped hook with a curved end 29 (Column 3, Lines 45 – 47, 50 – 51; Figure 4, Items 28, 29).

In regards to Claim 13, as applied to Claim 11, the modification of Eliasson further discloses that adding the spring 28 to the connection of pin member 26 along with pivoting point would create a thicker part than just the spring.

In regards to Claim 14, as applied to Claim 12, the modification of Eliasson further discloses that adding the spring 28 to the connection of pin member 26 along with pivoting point would create a thicker part than just the spring.

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In regards to Claim 15, as applied to Claim 13, the modification of Eliasson further discloses wherein the pivoting articulation (at pin 26 extending from 23) extends perpendicularly outwards from a laterally situated end wall in the locking button (Column 3, Lines 17 – 21; Figure 5, Item 26).

In regards to Claim 16, as applied to Claim 14, the modification of Eliasson further discloses wherein the pivoting articulation (at pin 26 extending from 23) extends perpendicularly outwards from a laterally situated end wall in the locking button (Column 3, Lines 17 – 21; Figure 5, Item 26).

In regards to Claim 17, as applied to Claim 15, the modification of Eliasson further discloses wherein a bow shaped accommodating part 25 (Column 3, Lines 14 – 21; Figure 5, Items 25, 26) extends along the pivoting articulation for the accommodation of a hook shaped (created by notch 16) end part by the locking rail.

In regards to Claim 18, as applied to Claim 16, the modification of Eliasson further discloses wherein a bow shaped accommodating part 25 (Column 3, Lines 14 – 21; Figure 5, Items 25, 26) extends along the pivoting articulation for the accommodation of a hook shaped (created by notch 16) end part by the locking rail.

In regards to Claim 19, as applied to Claim 15, the modification of Eliasson further discloses an wherein the back of the binder exhibits a cavity to accommodate the locking rail and the locking button with its spring therein (Figure 1, Items 13, 20, 28 are in the cavity), whereby the finger-operated push-button of the locking button is capable of being accommodated by its pivoting articulation part in an axially open part of the cavity (Column 3, Lines 31 – 35; Figure 1, Item 22) and the spring makes contact

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with its end part against a pointed part in the back of the binder thereof (Column 3, Lines 50 – 54), the locking button exhibits a pointed part (on piece 25, opposite 26) which is so arranged to interact with an angled part of the cavity in the back of the binder to enable a support to be formed for the locking button that is capable of pivotal action (Figure 1, abutment of locking button on intersection of wall 18 and flange 2).

In regards to Claim 20, as applied to Claim 16, the modification of Eliasson further discloses an wherein the back of the binder exhibits a cavity to accommodate the locking rail and the locking button with its spring therein (Figure 1, Items 13, 20, 28 are in the cavity), whereby the finger-operated push-button of the locking button is capable of being accommodated by its pivoting articulation part in an axially open part of the cavity (Column 3, Lines 31 – 35; Figure 1, Item 22) and the spring makes contact with its end part against a pointed part in the back of the binder thereof (Column 3, Lines 50 – 54), the locking button exhibits a pointed part (on piece 25, opposite 26) which is so arranged to interact with an angled part of the cavity in the back of the binder to enable a support to be formed for the locking button that is capable of pivotal action (Figure 1, abutment of locking button on intersection of wall 18 and flange 2).

Response to Arguments

Applicant's amendments have made the claims more clear, therefore the 112 rejection has been withdrawn along with the claim objections.

Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Monday - Thursday 7:00AM - 4:30PM and every other Friday from 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
May 17, 2007

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER